

**ASSEMBLY BILL**

**No. 1110**

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**Introduced by Assembly Member Lara**

February 18, 2011

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An act to amend Sections 366.1, 366.3, 391, and 13754 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1110, as introduced, Lara. Dependent children of the juvenile court: county responsibilities: Supplemental Security Income Eligibility.

Existing law provides for the placement of certain children in foster care under the custody of the State Department of Social Services and county welfare departments. Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. The program is funded by a combination of federal, state, and county funds, with moneys from the General Fund being continuously appropriated to pay for the state's share of AFDC-FC costs.

Existing law, the federal Social Security Act, provides for benefits for eligible beneficiaries, including survivorship and disability benefits and Supplemental Security Income (SSI) benefits for, among others, blind and disabled children. The act authorizes a person or entity to be appointed as a representative payee for a beneficiary who cannot manage or direct the management of his or her money. Existing law also provides for the State Supplementary Program for the Aged, Blind and Disabled under which State Supplementary Payments (SSP) are made in supplementation of SSI benefits.

Existing law requires a county to apply to become a child's representative payee for purposes of these federal benefits during the time the child is placed in foster care, and also requires the county to provide information to the foster youth regarding certain federal requirements when a foster youth who is receiving SSI payments is approaching his or her 18th birthday. Existing law requires a county to screen each foster youth in foster care who is at least 16 years and 6 months of age and not older than 17 years and 6 months of age in order to determine whether the youth is eligible for federal SSI benefits, as specified.

Existing law establishes the jurisdiction of the juvenile court, which is permitted to adjudicate certain children to be dependents of the court under certain circumstances, and prescribes various hearings and other procedures for these purposes. Existing law requires a supplemental report, with specified contents, to be filed in connection with the periodic review of the status of every dependent child in foster care, as specified. Under existing law, the juvenile court, or an appropriate local agency, under certain circumstances, is required to review the status of a child or, on and after January 1, 2012, a nonminor dependent who is in a placement other than the home of a legal guardian and jurisdiction of the juvenile court has not been dismissed. Existing law requires the reviewing body to make specified determinations in connection with this review.

Existing law also prohibits the court from terminating dependency or delinquency jurisdiction over a nonminor dependent who has reached 18 years of age until a hearing is conducted and the department has submitted a report verifying that specified information, documents, and services have been provided to the child.

This bill would require a county to notify the child's counsel of its intent to apply to be appointed the child's representative payee, 30 days before making that application, and to notify the counsel and the court within 30 days after the appointment is made by the federal Social Security Commission, as specified. This bill would revise the requirements applicable to the juvenile court reporting, review, and hearing as described above, to additionally require information to be provided regarding whether a child or nonminor dependent has been screened for eligibility for federal SSI benefits at the appropriate age, whether an application for SSI has been made on behalf of the individual, and the status of any pending SSI application, as specified.

By increasing county duties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 366.1 of the Welfare and Institutions  
2     Code is amended to read:  
3     366.1. Each supplemental report required to be filed pursuant  
4     to Section 366 shall include, but not be limited to, a factual  
5     discussion of each of the following subjects:  
6     (a) Whether the county welfare department social worker has  
7     considered child protective services, as defined in Chapter 5  
8     (commencing with Section 16500) of Part 4 of Division 9, as a  
9     possible solution to the problems at hand, and has offered those  
10    services to qualified parents, if appropriate under the circumstances.  
11    (b) What plan, if any, for the return and maintenance of the  
12    child in a safe home is recommended to the court by the county  
13    welfare department social worker.  
14    (c) Whether the subject child appears to be a person who is  
15    eligible to be considered for further court action to free the child  
16    from parental custody and control.  
17    (d) What actions, if any, have been taken by the parent to correct  
18    the problems that caused the child to be made a dependent child  
19    of the court.  
20    (e) If the parent or guardian is unwilling or unable to participate  
21    in making an educational decision for his or her child, or if other  
22    circumstances exist that compromise the ability of the parent or  
23    guardian to make educational decisions for the child, the county  
24    welfare department or social worker shall consider whether the  
25    right of the parent or guardian to make educational decisions for  
26    the child should be limited. If the supplemental report makes that

1 recommendation, the report shall identify whether there is a  
2 responsible adult available to make educational decisions for the  
3 child pursuant to Section 361.

4 (f) (1) Whether the child has any siblings under the court's  
5 jurisdiction, and, if any siblings exist, all of the following:

6 (A) The nature of the relationship between the child and his or  
7 her siblings.

8 (B) The appropriateness of developing or maintaining the sibling  
9 relationships pursuant to Section 16002.

10 (C) If the siblings are not placed together in the same home,  
11 why the siblings are not placed together and what efforts are being  
12 made to place the siblings together, or why those efforts are not  
13 appropriate.

14 (D) If the siblings are not placed together, the frequency and  
15 nature of the visits between siblings.

16 (E) The impact of the sibling relationships on the child's  
17 placement and planning for legal permanence.

18 (2) The factual discussion shall include a discussion of indicators  
19 of the nature of the child's sibling relationships, including, but not  
20 limited to, whether the siblings were raised together in the same  
21 home, whether the siblings have shared significant common  
22 experiences or have existing close and strong bonds, whether either  
23 sibling expresses a desire to visit or live with his or her sibling, as  
24 applicable, and whether ongoing contact is in the child's best  
25 emotional interests.

26 (g) Whether a child who is 10 years of age or older and who  
27 has been in an out-of-home placement for six months or longer  
28 has relationships with individuals other than the child's siblings  
29 that are important to the child, consistent with the child's best  
30 interests, and actions taken to maintain those relationships. The  
31 social worker shall ask every child who is 10 years of age or older  
32 and who has been in an out-of-home placement for six months or  
33 longer to identify any individuals other than the child's siblings  
34 who are important to the child, consistent with the child's best  
35 interest. The social worker may ask any other child to provide that  
36 information, as appropriate.

37 (h) The implementation and operation of the amendments to  
38 subdivision (g) enacted at the 2005–06 Regular Session shall be  
39 subject to appropriation through the budget process and by phase,  
40 as provided in Section 366.35.

1     (i) *With respect to each supplemental report that is submitted*  
2 *after the child turns 16 years and six months of age, all of the*  
3 *following:*

4     (1) *Information regarding whether the child has been screened*  
5 *for eligibility for federal Supplemental Security Income (SSI)*  
6 *benefits, pursuant to paragraph (1) of subdivision (a) of Section*  
7 *13757.*

8     (2) *Information regarding whether an application for federal*  
9 *SSI benefits has been made on behalf of the child, pursuant to*  
10 *paragraph (2) of subdivision (a) of Section 13757.*

11     (3) *Information regarding the status of any pending application*  
12 *for federal SSI benefits, including information regarding*  
13 *reconsideration and appeal.*

14     SEC. 2. Section 366.3 of the Welfare and Institutions Code,  
15 as amended by Section 22 of Chapter 559 of the Statutes of 2010,  
16 is amended to read:

17     366.3. (a) If a juvenile court orders a permanent plan of  
18 adoption, tribal customary adoption, or legal guardianship pursuant  
19 to Section 360 or 366.26, the court shall retain jurisdiction over  
20 the child until the child is adopted or the legal guardianship is  
21 established, except as provided for in Section 366.29 or, on and  
22 after January 1, 2012, Section 366.31. The status of the child shall  
23 be reviewed every six months to ensure that the adoption or legal  
24 guardianship is completed as expeditiously as possible. When the  
25 adoption of the child has been granted, or in the case of a tribal  
26 customary adoption, when the tribal customary adoption order has  
27 been afforded full faith and credit and the petition for adoption  
28 has been granted, the court shall terminate its jurisdiction over the  
29 child. Following establishment of a legal guardianship, the court  
30 may continue jurisdiction over the child as a dependent child of  
31 the juvenile court or may terminate its dependency jurisdiction  
32 and retain jurisdiction over the child as a ward of the legal  
33 guardianship, as authorized by Section 366.4. If, however, a relative  
34 of the child is appointed the legal guardian of the child and the  
35 child has been placed with the relative for at least six months, the  
36 court shall, except if the relative guardian objects, or upon a finding  
37 of exceptional circumstances, terminate its dependency jurisdiction  
38 and retain jurisdiction over the child as a ward of the guardianship,  
39 as authorized by Section 366.4. Following a termination of parental

1 rights, the parent or parents shall not be a party to, or receive notice  
2 of, any subsequent proceedings regarding the child.

3 (b) If the court has dismissed dependency jurisdiction following  
4 the establishment of a legal guardianship, or no dependency  
5 jurisdiction attached because of the granting of a legal guardianship  
6 pursuant to Section 360, and the legal guardianship is subsequently  
7 revoked or otherwise terminated, the county department of social  
8 services or welfare department shall notify the juvenile court of  
9 this fact. The court may vacate its previous order dismissing  
10 dependency jurisdiction over the child.

11 Notwithstanding Section 1601 of the Probate Code, the  
12 proceedings to terminate a legal guardianship that has been granted  
13 pursuant to Section 360 or 366.26 shall be held either in the  
14 juvenile court that retains jurisdiction over the guardianship as  
15 authorized by Section 366.4 or the juvenile court in the county  
16 where the guardian and child currently reside, based on the best  
17 interests of the child, unless the termination is due to the  
18 emancipation or adoption of the child. The juvenile court having  
19 jurisdiction over the guardianship shall receive notice from the  
20 court in which the petition is filed within five calendar days of the  
21 filing. Prior to the hearing on a petition to terminate legal  
22 guardianship pursuant to this subdivision, the court shall order the  
23 county department of social services or welfare department having  
24 jurisdiction or jointly with the county department where the  
25 guardian and child currently reside to prepare a report, for the  
26 court's consideration, that shall include an evaluation of whether  
27 the child could safely remain in, or be returned to, the legal  
28 guardian's home, without terminating the legal guardianship, if  
29 services were provided to the child or legal guardian. If applicable,  
30 the report shall also identify recommended family maintenance or  
31 reunification services to maintain the legal guardianship and set  
32 forth a plan for providing those services. If the petition to terminate  
33 legal guardianship is granted, either juvenile court may resume  
34 dependency jurisdiction over the child, and may order the county  
35 department of social services or welfare department to develop a  
36 new permanent plan, which shall be presented to the court within  
37 60 days of the termination. If no dependency jurisdiction has  
38 attached, the social worker shall make any investigation he or she  
39 deems necessary to determine whether the child may be within the  
40 jurisdiction of the juvenile court, as provided in Section 328.

1 Unless the parental rights of the child's parent or parents have  
2 been terminated, they shall be notified that the legal guardianship  
3 has been revoked or terminated and shall be entitled to participate  
4 in the new permanency planning hearing. The court shall try to  
5 place the child in another permanent placement. At the hearing,  
6 the parents may be considered as custodians but the child shall not  
7 be returned to the parent or parents unless they prove, by a  
8 preponderance of the evidence, that reunification is the best  
9 alternative for the child. The court may, if it is in the best interests  
10 of the child, order that reunification services again be provided to  
11 the parent or parents.

12 (c) If, following the establishment of a legal guardianship, the  
13 county welfare department becomes aware of changed  
14 circumstances that indicate adoption or, for an Indian child, tribal  
15 customary adoption, may be an appropriate plan for the child, the  
16 department shall so notify the court. The court may vacate its  
17 previous order dismissing dependency jurisdiction over the child  
18 and order that a hearing be held pursuant to Section 366.26 to  
19 determine whether adoption or continued legal guardianship is the  
20 most appropriate plan for the child. The hearing shall be held no  
21 later than 120 days from the date of the order. If the court orders  
22 that a hearing shall be held pursuant to Section 366.26, the court  
23 shall direct the agency supervising the child and the licensed county  
24 adoption agency, or the State Department of Social Services if it  
25 is acting as an adoption agency in counties that are not served by  
26 a county adoption agency, to prepare an assessment under  
27 subdivision (b) of Section 366.22.

28 (d) If the child or, on and after January 1, 2012, nonminor  
29 dependent is in a placement other than the home of a legal guardian  
30 and jurisdiction has not been dismissed, the status of the child shall  
31 be reviewed at least every six months. The review of the status of  
32 a child for whom the court has ordered parental rights terminated  
33 and who has been ordered placed for adoption shall be conducted  
34 by the court. The review of the status of a child or, on and after  
35 January 1, 2012, nonminor dependent for whom the court has not  
36 ordered parental rights terminated and who has not been ordered  
37 placed for adoption may be conducted by the court or an  
38 appropriate local agency. The court shall conduct the review under  
39 the following circumstances:

40 (1) Upon the request of the child's parents or legal guardians.

1 (2) Upon the request of the child or, on and after January 1,  
2 2012, nonminor dependent.

3 (3) It has been 12 months since a hearing held pursuant to  
4 Section 366.26 or an order that the child remain in long-term foster  
5 care pursuant to Section 366.21, 366.22, 366.25, 366.26, or  
6 subdivision (h).

7 (4) It has been 12 months since a review was conducted by the  
8 court.

9 The court shall determine whether or not reasonable efforts to  
10 make and finalize a permanent placement for the child have been  
11 made.

12 (e) Except as provided in subdivision (g), at the review held  
13 every six months pursuant to subdivision (d), the reviewing body  
14 shall inquire about the progress being made to provide a permanent  
15 home for the child, shall consider the safety of the child, and shall  
16 determine all of the following:

17 (1) The continuing necessity for, and appropriateness of, the  
18 placement.

19 (2) Identification of individuals other than the child's siblings  
20 who are important to a child who is 10 years of age or older and  
21 has been in out-of-home placement for six months or longer, and  
22 actions necessary to maintain the child's relationship with those  
23 individuals, provided that those relationships are in the best interest  
24 of the child. The social worker shall ask every child who is 10  
25 years of age or older and who has been in out-of-home placement  
26 for six months or longer to identify individuals other than the  
27 child's siblings who are important to the child, and may ask any  
28 other child to provide that information, as appropriate. The social  
29 worker shall make efforts to identify other individuals who are  
30 important to the child, consistent with the child's best interests.

31 (3) The continuing appropriateness and extent of compliance  
32 with the permanent plan for the child, including efforts to maintain  
33 relationships between a child who is 10 years of age or older and  
34 who has been in out-of-home placement for six months or longer  
35 and individuals who are important to the child and efforts to  
36 identify a prospective adoptive parent or legal guardian, including,  
37 but not limited to, child-specific recruitment efforts and listing on  
38 an adoption exchange.

39 (4) The extent of the agency's compliance with the child welfare  
40 services case plan in making reasonable efforts either to return the



1 child to the safe home of the parent or to complete whatever steps  
2 are necessary to finalize the permanent placement of the child. If  
3 the reviewing body determines that a second period of reunification  
4 services is in the child's best interests, and that there is a significant  
5 likelihood of the child's return to a safe home due to changed  
6 circumstances of the parent, pursuant to subdivision (f), the specific  
7 reunification services required to effect the child's return to a safe  
8 home shall be described.

9 (5) Whether there should be any limitation on the right of the  
10 parent or guardian to make educational decisions for the child.  
11 That limitation shall be specifically addressed in the court order  
12 and may not exceed what is necessary to protect the child. If the  
13 court specifically limits the right of the parent or guardian to make  
14 educational decisions for the child, the court shall at the same time  
15 appoint a responsible adult to make educational decisions for the  
16 child pursuant to Section 361.

17 (6) The adequacy of services provided to the child. The court  
18 shall consider the progress in providing the information and  
19 documents to the child, as described in Section 391. The court  
20 shall also consider the need for, and progress in providing, the  
21 assistance and services described in Section 391.

22 (7) The extent of progress the parents or legal guardians have  
23 made toward alleviating or mitigating the causes necessitating  
24 placement in foster care.

25 (8) The likely date by which the child may be returned to, and  
26 safely maintained in, the home, placed for adoption, legal  
27 guardianship, in another planned permanent living arrangement,  
28 or, for an Indian child, in consultation with the child's tribe, placed  
29 for tribal customary adoption.

30 (9) Whether the child has any siblings under the court's  
31 jurisdiction, and, if any siblings exist, all of the following:

32 (A) The nature of the relationship between the child and his or  
33 her siblings.

34 (B) The appropriateness of developing or maintaining the sibling  
35 relationships pursuant to Section 16002.

36 (C) If the siblings are not placed together in the same home,  
37 why the siblings are not placed together and what efforts are being  
38 made to place the siblings together, or why those efforts are not  
39 appropriate.

1 (D) If the siblings are not placed together, the frequency and  
2 nature of the visits between siblings.

3 (E) The impact of the sibling relationships on the child's  
4 placement and planning for legal permanence.

5 The factors the court may consider as indicators of the nature of  
6 the child's sibling relationships include, but are not limited to,  
7 whether the siblings were raised together in the same home,  
8 whether the siblings have shared significant common experiences  
9 or have existing close and strong bonds, whether either sibling  
10 expresses a desire to visit or live with his or her sibling, as  
11 applicable, and whether ongoing contact is in the child's best  
12 emotional interests.

13 (10) For a child who is 16 years of age or older, and, effective  
14 January 1, 2012, for a nonminor dependent, the services needed  
15 to assist the child or nonminor dependent to make the transition  
16 from foster care to independent living.

17 The reviewing body shall determine whether or not reasonable  
18 efforts to make and finalize a permanent placement for the child  
19 have been made.

20 Each licensed foster family agency shall submit reports for each  
21 child in its care, custody, and control to the court concerning the  
22 continuing appropriateness and extent of compliance with the  
23 child's permanent plan, the extent of compliance with the case  
24 plan, and the type and adequacy of services provided to the child.

25 *(11) For a child who is 16 years and six months of age or older,*  
26 *both of the following:*

27 *(A) That the youth has been screened for eligibility for federal*  
28 *Supplemental Security Income (SSI) benefits, pursuant to*  
29 *paragraph (1) of subdivision (a) of Section 13757. The court shall*  
30 *make any appropriate orders in order to ensure that all youth*  
31 *between 16 years and six months and 17 years of age are screened*  
32 *for SSI.*

33 *(B) The efforts the child welfare agency has made to submit an*  
34 *application and pursue eligibility for federal SSI benefits, including*  
35 *efforts to pursue reconsideration and appeals, when appropriate.*  
36 *The court shall make any appropriate order to ensure that SSI*  
37 *applications are submitted, and when appropriate, denials of*  
38 *eligibility are appealed.*

39 (f) Unless their parental rights have been permanently  
40 terminated, the parent or parents of the child are entitled to receive

1 notice of, and participate in, those hearings. It shall be presumed  
2 that continued care is in the best interests of the child, unless the  
3 parent or parents prove, by a preponderance of the evidence, that  
4 further efforts at reunification are the best alternative for the child.  
5 In those cases, the court may order that further reunification  
6 services to return the child to a safe home environment be provided  
7 to the parent or parents up to a period of six months, and family  
8 maintenance services, as needed for an additional six months in  
9 order to return the child to a safe home environment. On and after  
10 January 1, 2012, this subdivision shall not apply to the parents of  
11 a nonminor dependent.

12 (g) At the review conducted by the court and held at least every  
13 six months, regarding a child for whom the court has ordered  
14 parental rights terminated and who has been ordered placed for  
15 adoption, or, for an Indian child for whom parental rights are not  
16 being terminated and a tribal customary adoption is being  
17 considered, the county welfare department shall prepare and present  
18 to the court a report describing the following:

19 (1) The child's present placement.

20 (2) The child's current physical, mental, emotional, and  
21 educational status.

22 (3) If the child has not been placed with a prospective adoptive  
23 parent or guardian, identification of individuals, other than the  
24 child's siblings, who are important to the child and actions  
25 necessary to maintain the child's relationship with those  
26 individuals, provided that those relationships are in the best interest  
27 of the child. The agency shall ask every child who is 10 years of  
28 age or older to identify any individuals who are important to him  
29 or her, consistent with the child's best interest, and may ask any  
30 child who is younger than 10 years of age to provide that  
31 information as appropriate. The agency shall make efforts to  
32 identify other individuals who are important to the child.

33 (4) Whether the child has been placed with a prospective  
34 adoptive parent or parents.

35 (5) Whether an adoptive placement agreement has been signed  
36 and filed.

37 (6) If the child has not been placed with a prospective adoptive  
38 parent or parents, the efforts made to identify an appropriate  
39 prospective adoptive parent or legal guardian, including, but not

1 limited to, child-specific recruitment efforts and listing on an  
2 adoption exchange.

3 (7) Whether the final adoption order should include provisions  
4 for postadoptive sibling contact pursuant to Section 366.29.

5 (8) The progress of the search for an adoptive placement if one  
6 has not been identified.

7 (9) Any impediments to the adoption or the adoptive placement.

8 (10) The anticipated date by which the child will be adopted or  
9 placed in an adoptive home.

10 (11) The anticipated date by which an adoptive placement  
11 agreement will be signed.

12 (12) Recommendations for court orders that will assist in the  
13 placement of the child for adoption or in the finalization of the  
14 adoption.

15 The court shall determine whether or not reasonable efforts to  
16 make and finalize a permanent placement for the child have been  
17 made.

18 The court shall make appropriate orders to protect the stability  
19 of the child and to facilitate and expedite the permanent placement  
20 and adoption of the child.

21 (h) At the review held pursuant to subdivision (d) for a child in  
22 long-term foster care, the court shall consider all permanency  
23 planning options for the child including whether the child should  
24 be returned to the home of the parent, placed for adoption, or, for  
25 an Indian child, in consultation with the child's tribe, placed for  
26 tribal customary adoption, or appointed a legal guardian, or, if  
27 compelling reasons exist for finding that none of the foregoing  
28 options are in the best interest of the child, whether the child should  
29 be placed in another planned permanent living arrangement. The  
30 court shall order that a hearing be held pursuant to Section 366.26,  
31 unless it determines by clear and convincing evidence that there  
32 is a compelling reason for determining that a hearing held pursuant  
33 to Section 366.26 is not in the best interest of the child because  
34 the child is being returned to the home of the parent, the child is  
35 not a proper subject for adoption, or no one is willing to accept  
36 legal guardianship. If the licensed county adoption agency, or the  
37 department when it is acting as an adoption agency in counties  
38 that are not served by a county adoption agency, has determined  
39 it is unlikely that the child will be adopted or one of the conditions  
40 described in paragraph (1) of subdivision (c) of Section 366.26

1 applies, that fact shall constitute a compelling reason for purposes  
2 of this subdivision. Only upon that determination may the court  
3 order that the child remain in long-term foster care, without holding  
4 a hearing pursuant to Section 366.26. On and after January 1, 2012,  
5 the nonminor dependent's legal status as an adult is in and of itself  
6 a compelling reason not to hold a hearing pursuant to Section  
7 366.26.

8 (i) If, as authorized by subdivision (h), the court orders a hearing  
9 pursuant to Section 366.26, the court shall direct the agency  
10 supervising the child and the licensed county adoption agency, or  
11 the State Department of Social Services when it is acting as an  
12 adoption agency in counties that are not served by a county  
13 adoption agency, to prepare an assessment as provided for in  
14 subdivision (i) of Section 366.21 or subdivision (b) of Section  
15 366.22. A hearing held pursuant to Section 366.26 shall be held  
16 no later than 120 days from the date of the 12-month review at  
17 which it is ordered, and at that hearing the court shall determine  
18 whether adoption, tribal customary adoption, legal guardianship,  
19 or long-term foster care is the most appropriate plan for the child.  
20 On and after January 1, 2012, a hearing pursuant to Section 366.26  
21 shall not be ordered if the child is a nonminor dependent. The court  
22 may order that a nonminor dependent who otherwise is eligible  
23 pursuant to Section 11403 remain in a planned, permanent living  
24 arrangement.

25 (j) The implementation and operation of the amendments to  
26 subdivision (e) enacted at the 2005–06 Regular Session shall be  
27 subject to appropriation through the budget process and by phase,  
28 as provided in Section 366.35.

29 (k) The reviews conducted pursuant to subdivision (a) or (d)  
30 may be conducted earlier than every six months if the court  
31 determines that an earlier review is in the best interests of the child  
32 or as court rules prescribe.

33 (l) On and after January 1, 2012, at the review hearing that  
34 occurs in the six-month period prior to the minor's attaining 18  
35 years of age, and at every subsequent review hearing for the  
36 nonminor dependent, the report shall describe all of the following:

37 (1) The minor's or nonminor dependent's plans to remain in  
38 foster care and plans to meet one or more of the criteria as  
39 described in subdivision (b) of Section 11403 to continue to receive  
40 AFDC-FC benefits.

1 (2) The efforts made and assistance provided to the minor or  
2 nonminor dependent by the social worker or the probation officer  
3 so that the minor or nonminor dependent will be able to meet the  
4 criteria.

5 (3) Efforts toward completing the items described in paragraph  
6 (2) of subdivision (e) of Section 391.

7 (m) On and after January 1, 2012, the reviews conducted  
8 pursuant to subdivisions (e) and (h) for any nonminor dependent  
9 shall be conducted in a manner that respects the nonminor's status  
10 as a legal adult, be focused on the goals and services described in  
11 the youth's transitional independent living case plan, including  
12 efforts made to achieve permanence, including maintaining or  
13 obtaining permanent connections with caring and committed adults,  
14 and attended as appropriate by additional participants invited by  
15 the nonminor dependent. The review shall include all the issues  
16 in subdivision (e), except paragraph (5) of subdivision (e). The  
17 county child welfare or probation department, or Indian tribe that  
18 has entered into an agreement pursuant to Section 10553.1 shall  
19 prepare and present to the reviewing body a report that addresses  
20 the youth's progress in meeting the goals in the transitional  
21 independent living case plan and propose modifications as  
22 necessary to further those goals. The report shall document that  
23 the nonminor has received all the information and documentation  
24 described in paragraph (2) of subdivision (e) of Section 391. If the  
25 court is considering terminating dependency jurisdiction for a  
26 nonminor dependent it shall first hold a hearing pursuant to Section  
27 391.

28 (n) On and after January 1, 2012, if a review hearing pursuant  
29 to this section is the last review hearing to be held before the child  
30 attains 18 years of age, the court shall ensure all of the following:

31 (1) That the child's transitional independent living case plan  
32 includes a plan for the child to satisfy one or more of the criteria  
33 set forth in subdivision (b) of Section 11403, so that the child is  
34 eligible to remain a nonminor dependent.

35 (2) That the child has been informed of his or her right to seek  
36 termination of dependency jurisdiction pursuant to Section 391,  
37 and understands the potential benefits of continued dependency.

38 (3) That the child is informed of his or her right to have  
39 dependency reinstated pursuant to subdivision (e) of Section 388,  
40 and understands the potential benefits of continued dependency.

1 (o) This section shall remain in effect only until January 1, 2014,  
2 and as of that date is repealed, unless a later enacted statute, that  
3 is enacted before January 1, 2014, deletes or extends that date.

4 SEC. 3. Section 366.3 of the Welfare and Institutions Code,  
5 as amended by Section 23 of Chapter 559 of the Statutes of 2010,  
6 is amended to read:

7 366.3. (a) If a juvenile court orders a permanent plan of  
8 adoption or legal guardianship pursuant to Section 360 or 366.26,  
9 the court shall retain jurisdiction over the child until the child is  
10 adopted or the legal guardianship is established, except as provided  
11 for in Section 366.29 or, on and after January 1, 2012, Section  
12 366.31. The status of the child shall be reviewed every six months  
13 to ensure that the adoption or legal guardianship is completed as  
14 expeditiously as possible. When the adoption of the child has been  
15 granted, the court shall terminate its jurisdiction over the child.  
16 Following establishment of a legal guardianship, the court may  
17 continue jurisdiction over the child as a dependent child of the  
18 juvenile court or may terminate its dependency jurisdiction and  
19 retain jurisdiction over the child as a ward of the legal guardianship,  
20 as authorized by Section 366.4. If, however, a relative of the child  
21 is appointed the legal guardian of the child and the child has been  
22 placed with the relative for at least six months, the court shall,  
23 except if the relative guardian objects, or upon a finding of  
24 exceptional circumstances, terminate its dependency jurisdiction  
25 and retain jurisdiction over the child as a ward of the guardianship,  
26 as authorized by Section 366.4. Following a termination of parental  
27 rights, the parent or parents shall not be a party to, or receive notice  
28 of, any subsequent proceedings regarding the child.

29 (b) If the court has dismissed dependency jurisdiction following  
30 the establishment of a legal guardianship, or no dependency  
31 jurisdiction attached because of the granting of a legal guardianship  
32 pursuant to Section 360, and the legal guardianship is subsequently  
33 revoked or otherwise terminated, the county department of social  
34 services or welfare department shall notify the juvenile court of  
35 this fact. The court may vacate its previous order dismissing  
36 dependency jurisdiction over the child.

37 Notwithstanding Section 1601 of the Probate Code, the  
38 proceedings to terminate a legal guardianship that has been granted  
39 pursuant to Section 360 or 366.26 shall be held either in the  
40 juvenile court that retains jurisdiction over the guardianship as

1 authorized by Section 366.4 or the juvenile court in the county  
2 where the guardian and child currently reside, based on the best  
3 interests of the child, unless the termination is due to the  
4 emancipation or adoption of the child. The juvenile court having  
5 jurisdiction over the guardianship shall receive notice from the  
6 court in which the petition is filed within five calendar days of the  
7 filing. Prior to the hearing on a petition to terminate legal  
8 guardianship pursuant to this subdivision, the court shall order the  
9 county department of social services or welfare department having  
10 jurisdiction or jointly with the county department where the  
11 guardian and child currently reside to prepare a report, for the  
12 court's consideration, that shall include an evaluation of whether  
13 the child could safely remain in, or be returned to, the legal  
14 guardian's home, without terminating the legal guardianship, if  
15 services were provided to the child or legal guardian. If applicable,  
16 the report shall also identify recommended family maintenance or  
17 reunification services to maintain the legal guardianship and set  
18 forth a plan for providing those services. If the petition to terminate  
19 legal guardianship is granted, either juvenile court may resume  
20 dependency jurisdiction over the child, and may order the county  
21 department of social services or welfare department to develop a  
22 new permanent plan, which shall be presented to the court within  
23 60 days of the termination. If no dependency jurisdiction has  
24 attached, the social worker shall make any investigation he or she  
25 deems necessary to determine whether the child may be within the  
26 jurisdiction of the juvenile court, as provided in Section 328.

27 Unless the parental rights of the child's parent or parents have  
28 been terminated, they shall be notified that the legal guardianship  
29 has been revoked or terminated and shall be entitled to participate  
30 in the new permanency planning hearing. The court shall try to  
31 place the child in another permanent placement. At the hearing,  
32 the parents may be considered as custodians but the child shall not  
33 be returned to the parent or parents unless they prove, by a  
34 preponderance of the evidence, that reunification is the best  
35 alternative for the child. The court may, if it is in the best interests  
36 of the child, order that reunification services again be provided to  
37 the parent or parents.

38 (c) If, following the establishment of a legal guardianship, the  
39 county welfare department becomes aware of changed  
40 circumstances that indicate adoption may be an appropriate plan



1 for the child, the department shall so notify the court. The court  
2 may vacate its previous order dismissing dependency jurisdiction  
3 over the child and order that a hearing be held pursuant to Section  
4 366.26 to determine whether adoption or continued legal  
5 guardianship is the most appropriate plan for the child. The hearing  
6 shall be held no later than 120 days from the date of the order. If  
7 the court orders that a hearing shall be held pursuant to Section  
8 366.26, the court shall direct the agency supervising the child and  
9 the licensed county adoption agency, or the State Department of  
10 Social Services if it is acting as an adoption agency in counties  
11 that are not served by a county adoption agency, to prepare an  
12 assessment under subdivision (b) of Section 366.22.

13 (d) If the child or, on and after January 1, 2012, nonminor  
14 dependent is in a placement other than the home of a legal guardian  
15 and jurisdiction has not been dismissed, the status of the child shall  
16 be reviewed at least every six months. The review of the status of  
17 a child for whom the court has ordered parental rights terminated  
18 and who has been ordered placed for adoption shall be conducted  
19 by the court. The review of the status of a child or, on and after  
20 January 1, 2012, nonminor dependent for whom the court has not  
21 ordered parental rights terminated and who has not been ordered  
22 placed for adoption may be conducted by the court or an  
23 appropriate local agency. The court shall conduct the review under  
24 the following circumstances:

25 (1) Upon the request of the child's parents or legal guardians.

26 (2) Upon the request of the child or, on and after January 1,  
27 2012, nonminor dependent.

28 (3) It has been 12 months since a hearing held pursuant to  
29 Section 366.26 or an order that the child remain in long-term foster  
30 care pursuant to Section 366.21, 366.22, 366.25, 366.26, or  
31 subdivision (h).

32 (4) It has been 12 months since a review was conducted by the  
33 court.

34 The court shall determine whether or not reasonable efforts to  
35 make and finalize a permanent placement for the child have been  
36 made.

37 (e) Except as provided in subdivision (g), at the review held  
38 every six months pursuant to subdivision (d), the reviewing body  
39 shall inquire about the progress being made to provide a permanent

1 home for the child, shall consider the safety of the child, and shall  
2 determine all of the following:

3 (1) The continuing necessity for, and appropriateness of, the  
4 placement.

5 (2) Identification of individuals other than the child's siblings  
6 who are important to a child who is 10 years of age or older and  
7 has been in out-of-home placement for six months or longer, and  
8 actions necessary to maintain the child's relationship with those  
9 individuals, provided that those relationships are in the best interest  
10 of the child. The social worker shall ask every child who is 10  
11 years of age or older and who has been in out-of-home placement  
12 for six months or longer to identify individuals other than the  
13 child's siblings who are important to the child, and may ask any  
14 other child to provide that information, as appropriate. The social  
15 worker shall make efforts to identify other individuals who are  
16 important to the child, consistent with the child's best interests.

17 (3) The continuing appropriateness and extent of compliance  
18 with the permanent plan for the child, including efforts to maintain  
19 relationships between a child who is 10 years of age or older and  
20 who has been in out-of-home placement for six months or longer  
21 and individuals who are important to the child and efforts to  
22 identify a prospective adoptive parent or legal guardian, including,  
23 but not limited to, child-specific recruitment efforts and listing on  
24 an adoption exchange.

25 (4) The extent of the agency's compliance with the child welfare  
26 services case plan in making reasonable efforts either to return the  
27 child to the safe home of the parent or to complete whatever steps  
28 are necessary to finalize the permanent placement of the child. If  
29 the reviewing body determines that a second period of reunification  
30 services is in the child's best interests, and that there is a significant  
31 likelihood of the child's return to a safe home due to changed  
32 circumstances of the parent, pursuant to subdivision (f), the specific  
33 reunification services required to effect the child's return to a safe  
34 home shall be described.

35 (5) Whether there should be any limitation on the right of the  
36 parent or guardian to make educational decisions for the child.  
37 That limitation shall be specifically addressed in the court order  
38 and may not exceed what is necessary to protect the child. If the  
39 court specifically limits the right of the parent or guardian to make  
40 educational decisions for the child, the court shall at the same time

1 appoint a responsible adult to make educational decisions for the  
2 child pursuant to Section 361.

3 (6) The adequacy of services provided to the child. The court  
4 shall consider the progress in providing the information and  
5 documents to the child, as described in Section 391. The court  
6 shall also consider the need for, and progress in providing, the  
7 assistance and services described in Section 391.

8 (7) The extent of progress the parents or legal guardians have  
9 made toward alleviating or mitigating the causes necessitating  
10 placement in foster care.

11 (8) The likely date by which the child may be returned to, and  
12 safely maintained in, the home, placed for adoption, legal  
13 guardianship, or in another planned permanent living arrangement.

14 (9) Whether the child has any siblings under the court's  
15 jurisdiction, and, if any siblings exist, all of the following:

16 (A) The nature of the relationship between the child and his or  
17 her siblings.

18 (B) The appropriateness of developing or maintaining the sibling  
19 relationships pursuant to Section 16002.

20 (C) If the siblings are not placed together in the same home,  
21 why the siblings are not placed together and what efforts are being  
22 made to place the siblings together, or why those efforts are not  
23 appropriate.

24 (D) If the siblings are not placed together, the frequency and  
25 nature of the visits between siblings.

26 (E) The impact of the sibling relationships on the child's  
27 placement and planning for legal permanence.

28 The factors the court may consider as indicators of the nature of  
29 the child's sibling relationships include, but are not limited to,  
30 whether the siblings were raised together in the same home,  
31 whether the siblings have shared significant common experiences  
32 or have existing close and strong bonds, whether either sibling  
33 expresses a desire to visit or live with his or her sibling, as  
34 applicable, and whether ongoing contact is in the child's best  
35 emotional interests.

36 (10) For a child who is 16 years of age or older, and, effective  
37 January 1, 2012, for a nonminor dependent, the services needed  
38 to assist the child or nonminor dependent to make the transition  
39 from foster care to independent living.

1 The reviewing body shall determine whether or not reasonable  
2 efforts to make and finalize a permanent placement for the child  
3 have been made.

4 Each licensed foster family agency shall submit reports for each  
5 child in its care, custody, and control to the court concerning the  
6 continuing appropriateness and extent of compliance with the  
7 child's permanent plan, the extent of compliance with the case  
8 plan, and the type and adequacy of services provided to the child.

9 *(11) For a child who is 16 years and six months of age or older,*  
10 *both of the following:*

11 *(A) That the youth has been screened for eligibility for federal*  
12 *Supplemental Security Income (SSI) benefits, pursuant to*  
13 *paragraph (1) of subdivision (a) of Section 13757. The court shall*  
14 *make any appropriate orders in order to ensure that all youth*  
15 *between 16 years and six months and 17 years of age are screened*  
16 *for SSI.*

17 *(B) The efforts the child welfare agency has made to submit an*  
18 *application and pursue eligibility for federal SSI benefits, including*  
19 *efforts to pursue reconsideration and appeals, when appropriate.*  
20 *The court shall make any appropriate order to ensure that SSI*  
21 *applications are submitted, and when appropriate, denials of*  
22 *eligibility are appealed.*

23 (f) Unless their parental rights have been permanently  
24 terminated, the parent or parents of the child are entitled to receive  
25 notice of, and participate in, those hearings. It shall be presumed  
26 that continued care is in the best interests of the child, unless the  
27 parent or parents prove, by a preponderance of the evidence, that  
28 further efforts at reunification are the best alternative for the child.  
29 In those cases, the court may order that further reunification  
30 services to return the child to a safe home environment be provided  
31 to the parent or parents up to a period of six months, and family  
32 maintenance services, as needed for an additional six months in  
33 order to return the child to a safe home environment.

34 (g) At the review conducted by the court and held at least every  
35 six months, regarding a child for whom the court has ordered  
36 parental rights terminated and who has been ordered placed for  
37 adoption, the county welfare department shall prepare and present  
38 to the court a report describing the following:

39 (1) The child's present placement.

1 (2) The child's current physical, mental, emotional, and  
2 educational status.

3 (3) If the child has not been placed with a prospective adoptive  
4 parent or guardian, identification of individuals, other than the  
5 child's siblings, who are important to the child and actions  
6 necessary to maintain the child's relationship with those  
7 individuals, provided that those relationships are in the best interest  
8 of the child. The agency shall ask every child who is 10 years of  
9 age or older to identify any individuals who are important to him  
10 or her, consistent with the child's best interest, and may ask any  
11 child who is younger than 10 years of age to provide that  
12 information as appropriate. The agency shall make efforts to  
13 identify other individuals who are important to the child.

14 (4) Whether the child has been placed with a prospective  
15 adoptive parent or parents.

16 (5) Whether an adoptive placement agreement has been signed  
17 and filed.

18 (6) If the child has not been placed with a prospective adoptive  
19 parent or parents, the efforts made to identify an appropriate  
20 prospective adoptive parent or legal guardian, including, but not  
21 limited to, child-specific recruitment efforts and listing on an  
22 adoption exchange.

23 (7) Whether the final adoption order should include provisions  
24 for postadoptive sibling contact pursuant to Section 366.29.

25 (8) The progress of the search for an adoptive placement if one  
26 has not been identified.

27 (9) Any impediments to the adoption or the adoptive placement.

28 (10) The anticipated date by which the child will be adopted or  
29 placed in an adoptive home.

30 (11) The anticipated date by which an adoptive placement  
31 agreement will be signed.

32 (12) Recommendations for court orders that will assist in the  
33 placement of the child for adoption or in the finalization of the  
34 adoption.

35 The court shall determine whether or not reasonable efforts to  
36 make and finalize a permanent placement for the child have been  
37 made.

38 The court shall make appropriate orders to protect the stability  
39 of the child and to facilitate and expedite the permanent placement  
40 and adoption of the child.

1 (h) At the review held pursuant to subdivision (d) for a child in  
2 long-term foster care, the court shall consider all permanency  
3 planning options for the child including whether the child should  
4 be returned to the home of the parent, placed for adoption, or  
5 appointed a legal guardian, or, if compelling reasons exist for  
6 finding that none of the foregoing options are in the best interest  
7 of the child, whether the child should be placed in another planned  
8 permanent living arrangement. The court shall order that a hearing  
9 be held pursuant to Section 366.26, unless it determines by clear  
10 and convincing evidence that there is a compelling reason for  
11 determining that a hearing held pursuant to Section 366.26 is not  
12 in the best interest of the child because the child is being returned  
13 to the home of the parent, the child is not a proper subject for  
14 adoption, or no one is willing to accept legal guardianship. If the  
15 licensed county adoption agency, or the department when it is  
16 acting as an adoption agency in counties that are not served by a  
17 county adoption agency, has determined it is unlikely that the child  
18 will be adopted or one of the conditions described in paragraph  
19 (1) of subdivision (c) of Section 366.26 applies, that fact shall  
20 constitute a compelling reason for purposes of this subdivision.  
21 Only upon that determination may the court order that the child  
22 remain in foster care, without holding a hearing pursuant to Section  
23 366.26. On and after January 1, 2012, the nonminor dependent's  
24 legal status as an adult is in and of itself a compelling reason not  
25 to hold a hearing pursuant to Section 366.26.

26 (i) If, as authorized by subdivision (h), the court orders a hearing  
27 pursuant to Section 366.26, the court shall direct the agency  
28 supervising the child and the licensed county adoption agency, or  
29 the State Department of Social Services when it is acting as an  
30 adoption agency in counties that are not served by a county  
31 adoption agency, to prepare an assessment as provided for in  
32 subdivision (i) of Section 366.21 or subdivision (b) of Section  
33 366.22. A hearing held pursuant to Section 366.26 shall be held  
34 no later than 120 days from the date of the 12-month review at  
35 which it is ordered, and at that hearing the court shall determine  
36 whether adoption, legal guardianship, or long-term foster care is  
37 the most appropriate plan for the child. On and after January 1,  
38 2012, a hearing pursuant to Section 366.26 shall not be ordered if  
39 the child is a nonminor dependent. The court may order that a

1 nonminor dependent who otherwise is eligible pursuant to Section  
2 11403 remain in a planned, permanent living arrangement.

3 (j) The implementation and operation of the amendments to  
4 subdivision (e) enacted at the 2005–06 Regular Session shall be  
5 subject to appropriation through the budget process and by phase,  
6 as provided in Section 366.35.

7 (k) The reviews conducted pursuant to subdivision (a) or (d)  
8 may be conducted earlier than every six months if the court  
9 determines that an earlier review is in the best interests of the child  
10 or as court rules prescribe.

11 (l) On and after October 1, 2012, at the review hearing that  
12 occurs in the six-month period prior to the minor's attaining 18  
13 years of age, and at every subsequent review hearing, the report  
14 shall describe all of the following:

15 (1) The minor's plans to remain in foster care and plans to meet  
16 one or more of the criteria as described in subdivision (b) of Section  
17 11403 to continue to receive AFDC-FC benefits.

18 (2) The efforts made and assistance provided to the minor by  
19 the social worker or the probation officer so that the minor will be  
20 able to meet the criteria.

21 (3) Efforts toward completing the items described in paragraph  
22 (2) of subdivision (e) of Section 391.

23 (m) On and after January 1, 2012, the reviews conducted  
24 pursuant to subdivisions (e) and (h) for any nonminor dependent  
25 shall be conducted in a manner that respects the nonminor's status  
26 as a legal adult, be focused on the goals and services described in  
27 the youth's transitional independent living case plan, including  
28 efforts made to maintain connections with caring and permanently  
29 committed adults, and attended as appropriate by additional  
30 participants invited by the nonminor dependent. The review shall  
31 include all the issues in subdivision (e), except paragraph (5) of  
32 subdivision (e). The county child welfare or probation department,  
33 or Indian tribe that has entered into an agreement pursuant to  
34 Section 10553.1 shall prepare and present to the reviewing body  
35 a report that addresses the youth's progress in meeting the goals  
36 in the transitional independent living case plan and propose  
37 modifications as necessary to further those goals. The report shall  
38 document that the nonminor has received all the information and  
39 documentation described in paragraph (2) of subdivision (e) of  
40 Section 391. If the court is considering terminating dependency

1 jurisdiction for a nonminor dependent it shall first hold a hearing  
2 pursuant to Section 391.

3 (n) On and after January 1, 2012, if a review hearing pursuant  
4 to this section is the last review hearing to be held before the child  
5 attains 18 years of age, the court shall ensure all of the following:

6 (1) That the child's transitional independent living case plan  
7 includes a plan for the child to satisfy one or more of the criteria  
8 set forth in subdivision (b) of Section 11403, so that the child is  
9 eligible to remain a nonminor dependent.

10 (2) That the child has been informed of his or her right to seek  
11 termination of dependency jurisdiction pursuant to Section 391,  
12 and understands the potential benefits of continued dependency.

13 (3) That the child is informed of his or her right to have  
14 dependency reinstated pursuant to subdivision (e) of Section 388,  
15 and understands the potential benefits of continued dependency.

16 (o) This section shall become operative on January 1, 2014.

17 SEC. 4. Section 391 of the Welfare and Institutions Code, as  
18 added by Section 28 of Chapter 559 of the Statutes of 2010, is  
19 amended to read:

20 391. (a) The court shall not terminate jurisdiction over a  
21 dependent youth who has reached 18 years of age unless a hearing  
22 is conducted pursuant to this section.

23 (b) At any hearing for a dependent youth who has attained 18  
24 years of age at which the court is considering termination of the  
25 jurisdiction of the juvenile court and the accompanying foster care  
26 services as described in Section 11403, the county welfare  
27 department shall do all of the following:

28 (1) Ensure that the dependent is present in court, unless the  
29 dependent does not wish to appear in court, or document efforts  
30 by the county welfare department to locate the child when the child  
31 is not available.

32 (2) Submit a report describing whether it is in the youth's best  
33 interests to remain under the court's dependency jurisdiction, which  
34 includes a recommended transitional independent living case plan  
35 for any youth who is continuing dependency as a nonminor.

36 (3) If the dependent has indicated that he or she does not want  
37 dependency jurisdiction to continue, the report shall address the  
38 advisability of a court-ordered trial discharge from foster care.

39 (c) The court shall continue dependency jurisdiction for a  
40 nonminor dependent, as defined in subdivision (v) of Section



1 11400, who is eligible pursuant to Section 11403 unless the court  
2 finds that after reasonable and documented efforts the nonminor  
3 cannot be located or does not wish to remain subject to dependency  
4 jurisdiction. In making this finding, the court shall ensure that the  
5 nonminor has been informed of his or her options including the  
6 right to file a petition pursuant to Section 388 to resume  
7 dependency jurisdiction, and had an opportunity to confer with  
8 his or her counsel if counsel has been appointed pursuant to Section  
9 317. The court shall terminate dependency jurisdiction for a  
10 nonminor dependent if it finds that the nonminor dependent is not  
11 eligible pursuant to subdivision (b) of Section 11403.

12 (d) If the court terminates dependency jurisdiction, the nonminor  
13 shall remain within the jurisdiction of the court until the nonminor  
14 attains 21 years of age, although no review proceedings shall be  
15 required. As authorized in paragraph (e) of Section 1356.21 of  
16 Title 45 of the Code of Federal Regulations, the court shall  
17 authorize a trial period of departure from foster care as defined in  
18 subdivision (y) of Section 11400. In order to ensure eligibility for  
19 federal financial participation, the court shall set the end date of  
20 the trial period of departure from foster care to be the day prior to  
21 the day the nonminor attains 21 years of age, unless to do so is not  
22 in the nonminor's best interests. A nonminor may petition the court  
23 pursuant to subdivision (e) of Section 388 to resume dependency  
24 jurisdiction at any time before attaining 21 years of age.

25 (e) Unless the nonminor does not wish to remain under the  
26 dependency or delinquency jurisdiction of the court, or, after  
27 reasonable efforts by the county welfare department the nonminor  
28 cannot be located, the court shall not terminate dependency or  
29 delinquency jurisdiction over a nonminor dependent who has  
30 reached 18 years of age until a hearing is conducted pursuant to  
31 this section and the department has submitted a report verifying  
32 that the following information, documents, and services have been  
33 provided to the child:

34 (1) Written information concerning the child's dependency case,  
35 including any known information regarding the child's Indian  
36 heritage or tribal connections, if applicable, his or her family  
37 history and placement history, any photographs of the child or his  
38 or her family in the possession of the county welfare department,  
39 other than forensic photographs, the whereabouts of any siblings  
40 under the jurisdiction of the juvenile court, unless the court

determines that sibling contact would jeopardize the safety or welfare of the sibling, directions on how to access the documents the child is entitled to inspect under Section 827, and the date on which the jurisdiction of the juvenile court would be terminated.

(2) The following documents:

(A) Social security card.

(B) Certified copy of his or her birth certificate.

(C) Health and education summary, as described in subdivision (a) of Section 16010.

(D) Driver's license, as described in Section 12500 of the Vehicle Code, or identification card, as described in Section 13000 of the Vehicle Code.

(E) A letter prepared by the county welfare department that includes the following information:

(i) The child's name and date of birth.

(ii) The dates during which the child was within the jurisdiction of the juvenile court.

(iii) A statement that the child was a foster youth in compliance with state and federal financial aid documentation requirements.

(F) If applicable, the death certificate of the parent or parents.

(G) If applicable, proof of the child's citizenship or legal residence.

(3) Assistance in completing an application for Medi-Cal or assistance in obtaining other health insurance.

(4) Referrals to transitional housing, if available, or assistance in securing other housing.

(5) Assistance in obtaining employment or other financial support.

(6) Assistance in applying for admission to college or to a vocational training program or other educational institution and in obtaining financial aid, where appropriate.

(7) Assistance in maintaining relationships with individuals who are important to a child who has been in out-of-home placement for six months or longer from the date the child entered foster care, based on the child's best interests.

(8) For nonminors between 18 and 21 years of age, assistance in accessing the Independent Living Aftercare Program in the nonminor's county of residence.

(9) *Both of the following:*

1     (A) *Verification that the youth was screened for potential*  
2     *eligibility for the federal Supplemental Security Income (SSI)*  
3     *program, pursuant to paragraph (2) of subdivision (a) of Section*  
4     *13757.*

5     (B) *Written information regarding the status of the application*  
6     *for federal SSI benefits, including information regarding*  
7     *reconsideration and appeal, when appropriate, for any youth on*  
8     *whose behalf an application for SSI benefits has been made.*

9     (f) At the hearing closest to and before a dependent child's 18th  
10    birthday and every review hearing thereafter, the department shall  
11    submit a report describing efforts toward completing the items  
12    described in paragraph (2) of subdivision (e).

13    (g) The Judicial Council shall develop and implement standards,  
14    and develop and adopt appropriate forms necessary to implement  
15    this provision.

16    (h) This section shall become operative on January 1, 2012.

17    SEC. 5. Section 13754 of the Welfare and Institutions Code is  
18    amended to read:

19    13754. (a) It is the intent of the Legislature that nothing in this  
20    section shall be interpreted to preclude a nonminor dependent from  
21    accessing the same benefits, services, and supports, and exercise  
22    the same choices available to all nonminor dependents. It is further  
23    the intent of the Legislature that nonminor dependents who receive  
24    federal Supplemental Security Income benefits can serve as their  
25    own payee, if it is determined that the nonminor dependent satisfies  
26    the criteria established by the Social Security Administration, and  
27    should be assisted in receiving direct payment by the county child  
28    welfare department. It is further the intent of the Legislature that  
29    individuals who have had their eligibility for federal Supplemental  
30    Security Income benefits established pursuant to Section 13757  
31    be able to maintain that eligibility even when they remain in the  
32    state's care as a nonminor dependent. In order to facilitate this, it  
33    is the intent of the Legislature that the county child welfare agency  
34    ensure that the youth receives an SSI payment during at least one  
35    month of each 12-month period while the youth is a nonminor  
36    dependent. It is further the intent of the Legislature that the county  
37    child welfare agency may supplement the SSI payment that a youth  
38    receives during this one-month period with state-only AFDC-FC  
39    or state-only Kin-GAP benefits.

1 (b) (1) The county shall apply to be appointed representative  
2 payee on behalf of a child beneficiary in its custody when no other  
3 appropriate party is available to serve.

4 (A) *At least 30 days before making the application, the county*  
5 *shall provide written notice to the child's counsel of its intent to*  
6 *apply to be appointed as the child's representative payee.*

7 (B) *Within 30 days after being appointed by the federal Social*  
8 *Security Administration to serve as representative payee for a*  
9 *child beneficiary in the county's custody, the county shall provide*  
10 *written notice of the appointment to the child's counsel and the*  
11 *court.*

12 (2) When a child beneficiary reaches 18 years of age and elects  
13 to remain in the custody of the county as a nonminor dependent,  
14 the county shall provide information to the youth regarding the  
15 process for becoming his or her own payee and shall assist the  
16 youth in becoming his or her own payee pursuant to Section 13753,  
17 unless becoming his or her own payee is contrary to the best  
18 interests of the youth. In the event that a youth is unable to serve  
19 as his or her payee after attaining 18 years of age, the county shall  
20 assist the youth in finding and designating an appropriate  
21 representative payee.

22 (c) In its capacity as representative payee, the county shall do  
23 all of the following:

24 (1) Establish a no-cost, interest-bearing maintenance account  
25 for each child in the department's custody for whom the department  
26 serves as representative payee. Interest earned shall be credited to  
27 the account. The county shall keep an itemized current account,  
28 in the manner required by federal law, of all income and expense  
29 items for each child's maintenance account.

30 (2) Establish procedures for disbursing money from the  
31 accounts, including disbursing the net balance to the beneficiary  
32 upon release from care. The county shall use social security and  
33 SSI/SSP benefits only for the following purposes:

34 (A) For the use and benefit of the child.

35 (B) For purposes determined by the county to be in the child's  
36 best interest.

37 (3) Establish and maintain a dedicated account in a financial  
38 institution for past-due monthly benefits that exceed six times the  
39 maximum monthly benefit payable, in accordance with federal  
40 law. The representative payee may deposit into the account

1 established under this section any other funds representing past  
2 due benefits to the eligible individual, provided that the amount  
3 of the past due benefits is equal to or exceeds the maximum  
4 monthly benefit payable. Funds from the dedicated account shall  
5 not be used for basic maintenance costs. The use of funds from  
6 the dedicated account must be for the benefit of the child and are  
7 limited to expenditures for the following purposes:

8 (A) Medical treatment.

9 (B) Education or job skills training.

10 (C) Personal needs assistance.

11 (D) Special equipment.

12 (E) Housing modification.

13 (F) Therapy or rehabilitation.

14 (G) Other items or services, deemed appropriate by the Social  
15 Security Administration.

16 SEC. 6. If the Commission on State Mandates determines that  
17 this act contains costs mandated by the state, reimbursement to  
18 local agencies and school districts for those costs shall be made  
19 pursuant to Part 7 (commencing with Section 17500) of Division  
20 4 of Title 2 of the Government Code.